IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.538/2006

Mahesh S/o Jhandu Ram
...defendant-appellant
Versus
Jagdish Prasad S/o Sohan Lal
...plaintiff-respondent

Date of Order ::: 09.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Tripurari Sharma, Counsel for defendant-appellant
Shri Mahesh, defendant-appellant, present-in-person
Shri J.P. Goyal, Counsel for plaintiff-respondent
####

By the Court:-

Learned counsel for the plaintiff-respondent contended that in execution of the decree passed by the courts below, the plaintiff-respondent has already taken possession of the rented premises through the execution proceedings. He has produced the certified copy of the warrant for possession dated 4.11.2006 duly signed by the sale-amin of the Court of Civil Judge (Junior Division), Bharatpur, in Execution Petition No.26/2006.

The learned counsel for the defendant-appellant submits that certain goods including machine and furnitures of the defendant are still lying in the

rented shop itself, and a time was given by the sale-amin to take the same by 7th of November, 2006, but the same could not be taken for want of proper place. Therefore, he contended that a reasonable time may be granted to the appellant to shift the machine and furnitures lying in the rented shop. The prayer of the learned counsel for the appellant is not opposed by the learned counsel for the respondent.

In these circumstances, the appeal is dismissed with a direction that the respondent shall allow the appellant to shift his machine, furnitures and other goods lying in the rented shop within a period of one month from today. It is made clear that in case the defendant-appellant does not remove the machine, furniture and other goods from the rented shop within the aforesaid period then it will be open for the plaintiff-respondent to get the same removed through the Executing Court at the cost of the defendant-appellant.

(Narendra Kumar Jain) J.

//Jaiman//